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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,084	01/04/2002	David Betz	GENSP030	2418

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EXAMINER	
ZHAO, DAQUAN	
ART UNIT	**PAPER NUMBER**
2621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/041,084	BETZ ET AL.	
	Examiner	Art Unit	
	Daquan Zhao	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,6,9-15 and 24-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,6,9-15,24-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 8/30/2007; 6/14/2007; 11/22/2006
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Status

1. Claims 2-5,7-8,16-23 are cancelled; and claims 24-26 are new.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15, 25-26 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows

Claim 15 recites "computer program product ...". However, it appears that such would reasonably be interpreted by one of ordinary skill in the art as software, per se. This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. Software does not fall within a statutory category since it is clearly not a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a tangible physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter. However, in contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035 (MPEP 2106.01.I).

Accordingly, the examiner suggests amending the claim to "a computer-readable medium encoded with a software program" or equivalent in order to make the claim statutory. Any amendment to the claim would be commensurate with its corresponding disclosure.

Claims 25-26 are also affected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,6, 9,15, 24, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Okada et al (US 6,148,140).

Regarding claim 1, Okada et al teach a method for compiling and displaying video segments from a digital video disc into a video montage, the method comprising:

- retrieving a video segment from the DVD formed of a plurality of video frames arranged in an original DVD display order (e.g. figures 86A –95, column 95, lines 40-61, original PGC corresponds to "a video segment from the DVD formed of a plurality of video frames arranged in an original DVD display order");
- selecting at least two of any of the plurality of video frames in any display order (e.g. column 92, lines 13-65, user-defined PGC #2

compoosed of cell #2B, cell#4B, and cell$10B, wherein all the cells are from the original PGC);

- creating the video montage by ordering the selected at least two of the plurality of video frames into an order that is different than the original DVD display order (e.g. the user-defined PGC, which corresponds to "the video montage", has a different display order than the original PGC display order); and
- displaying the video montage on a display unit (e.g. column 93, lines 41-62, user presses the play key).

Claim 15 is rejected for the same reasons as discussed for the reasons as discussed in claim 1 above.

Regarding claims 6 and 25, Okada et al teach storing the video montage on a storage medium that is not the DVD (column 93, lines 41-62, user presses the play key to playback the user-defined PGC, and column 53, lines 25-39 and figure 40 teach the user-defined PGC is stored in a buffer, which is different from the DVD, in the reproduction process).

Regarding claim 9, Okada et al teach the digital video comprises a plurality of titles (e.g. figure 35, movie2. VOB and Movie3.VOB).

Regarding claim 24, Okada et al teach storing the video montage on the DVD (e.g. column 63, lines 31-42).

Regarding claim 26, Okada et al teach operable to store the video montage on the DVD (e.g. column 63, lines 31-42).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al (US 6,148,140) as applied to claims 1,6, 9,15, 24, 25 and 26 above, and further in view of Tokashiki (US 6,600,868 B2) and further in view of Kanda (US 5,930,446).

See the teaching of Okada et al above.

Regarding claim 11, Okada et al teach a clip chart listing the one or more video segments, wherein the clip chart shows the one or more video segments in replay order (e.g. figure 90). However, Okada et al fail to teach a user interface for entering information about the video montage; a graphical representation of a run time of the video montage, wherein the run time represents a length of the video montage; a video clip setting area, wherein the video clip setting area has a user interface for entering at least the start time of each of the one or more video segments. Tokashiki teaches a user interface for entering information about the video montage (e.g. figure 12, entering title); a video clip setting area, wherein the video clip setting area has a user interface for entering at least the start time of each of the one or more video segments (e.g. figure 13). It would have been obvious to one ordinary skill in the art at the time the invention was made to have utilized the user interface disclosed by Tokashiki in the system

disclosed by Okada et al to make the mapping between the contents title and the contents ID in a correspondence table and starting the recording of contents at a time reserved (e.g. column 11, line 19-33).

Okada et al and Tokashi fail to teach a graphical representation of a run time of the video montage, wherein the run time represents a length of the video montage; Kanda teaches a graphical representation of a run time of the video montage, wherein the run time represents a length of the video montage (e.g. figure 3, 23b and 23c); It would have been obvious to one ordinary skill in the art at the time the invention was made incorporate the teaching of Kanda into the system of Okada et al and Tokashi to simplify the editing system.

For claim 12, Tokashiki teaches the video clip setting area comprises a name and description of each of the one or more video segments (e.g. figure 12, title 81, wherein the entered title corresponds to "name and description").

For claim 13, Kanda teach a still shot of an image associated with each of the one or more video segment (column 7, lines 57-65).

For claim 14, Okada et al teach a user interface for selecting a video title from the digital videodisc, the video title comprising the one or more video segments (figure 89A and 89B).

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al (US 6,148,140) as applied to claims 1,6, 9,15, 24, 25 and 26 above, and further in view of Official Notice.

Regarding claim 10, Okada et al teach main title (e.g. figure 45A source AV file), a director's cut (e.g. figure 46A, merge result), a deleted scene (e.g. figure 15C, partially deleted area which include VOBU#1 and VOBU#2). However, Okada fails to teach an alternate view. The examiner takes official notice for alternate view since it is well known in the art. It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the alternate view of the title into the system of Okada et al for increase the level of detail of the AV data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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